

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *cas* D.C.
2005 AUG 11 PM 2:07

THOMAS M. GOULD
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

THOMAS M. GOULD
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

Plaintiff,

v.

No.: 03-2562 MI V

HANFORD T. JOHNSON, Acting
Secretary of the Navy.

MOTION GRANTED

Jon P. McCalla
JON PHIPPS McCALLA
U.S. DISTRICT JUDGE
NOV. 23, 2005

Defendants.

MOTION FOR LEAVE TO FILE
DEFENDANT'S SUPPLEMENTAL RESPONSE TO
PLAINTIFF'S PETITION FOR FEES

DATE

Defendant, by and through the United States Attorney for the Western District of Tennessee, respectfully moves the Court for leave to supplement his previous Response to Plaintiff's Petition for Attorneys Fees and Costs. In support of this Motion for Leave, Defendant would show unto the Court the following:

This is an employment discrimination case that was tried to a jury in May 2005. Judgment was entered on May 10, 2005. Plaintiff filed his Petition for Attorney Fees on May 23, 2005. Defendant filed a response on June 26, 2005. On July 8, 2005, the Defendant filed a Notice of Appeal. That Notice was withdrawn on August 1, 2005.

Defendant hereby requests leave to file a supplemental response to Plaintiff's Petition for fees and costs adding two arguments. The proposed supplemental response is attached to the instant Motion. As the Court has not ruled on the Petition, there is no prejudice to the Court or the opposing party.

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Wherefore, Defendant respectfully prays the Court to grant his Motion for Leave to File Supplemental Response.

Counsel for the Defendant has consulted with counsel in compliance with the Local Rules. Counsel for the Plaintiff opposes the instant Motion.

Respectfully submitted,

TERRELL L. HARRIS

United States Attorney

By:



Harriett Miller Halmon (#005320 Tennessee)

Assistant United States Attorney

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CERTIFICATE OF SERVICE

I, Harriett Miller Halmon, Assistant United States Attorney for the Western District of Tennessee, hereby certify that a copy of the foregoing Motion for Leave to File Supplemental Response has been mailed, first class postage prepaid, to

Robin Rasmussen.
Emily Bjorkman
6000 Poplar Ave., Suite 400
Memphis, TN 38110

Kathleen L. Caldwell
2080 Peabody Ave.
Memphis, TN 38104

This 11th day of August, 2005



Harriett Miller Halmon

Assistant United States Attorney



Notice of Distribution

This notice confirms a copy of the document docketed as number 75 in case 2:03-CV-02562 was distributed by fax, mail, or direct printing on November 28, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT